

a manager for monitoring web servers to determine if a predetermined condition exists at one or more of the web servers; and

A2  
~~a web server capable of [transferring] redirecting at least one browser request from the web server to another of the web servers, such that the browser requests the web page from the another one of the web servers, if the predetermined condition does exist[s] at [least] one or more of the web servers.~~

20. (Amended) A method for distributing browser web page requests among two or more web servers, comprising;

A3  
B  
periodically monitoring a web server load metric; and

[transferring] redirecting a browser request from one web server to another web server, such that the browser requests the web page from the another one of the web servers, thereby balancing the load metric on each web server.

#### REMARKS

##### Extension

Applicants request and petition for a two-month extension of time under 37 CFR 1.136(a) to file a response to the Office Action. A check for the extension fee is enclosed. If any other extension period or fee is required to have this Amendment and Response entered and considered, please consider this a conditional petition for the proper extension and a conditional authorization to charge our Deposit Account No. 20-0531.

#### Claim Changes and Status

Claims 1-20 are pending in this application. Applicants hereby amend claims 1, 15, and

20. Upon entry of this Amendment and Response, twenty claims remain pending, of which three

are independent claims (claims 1, 15, and 20), and seventeen of which are dependent claims. No new matter has been added by any of the claim amendments.

Claim Rejections

Claims 1, 6, 9-16, 19, and 20 are rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,006,264 to Colby et al. (“Colby”). Claims 2-5, 7, 8, 17, and 18 are rejected under 35 U.S.C. § 103(a) over Colby. Applicants have amended the independent claims, and submit that the claims are now even more clearly patentable over Colby. Colby describes a different approach than that claimed by Applicants.

According to Colby, “when a client in an IP network makes a content request, the request is intercepted by a content-aware flow switch, which seamlessly forwards the content request to a server that is well-suited to serve the content request” (col. 2, lines 49-53). The “content-aware flow switch ‘front-ends’ (i.e., intercepts all packets received from and transmitted by) a set of local web servers 100a-c, constituting a web server farm 150” (col. 5, lines 43-46). “When a client content request is accepted by the flow switch 110, the flow switch 110 establishes a full-duplex logical connection between the client and one of the web servers 100a-c through the flow switch.” (col. 5, lines 63-66, underlining added). Thus, the flow switch in Colby is used as an intermediary to direct web page requests from a browser on a client computer to one web server or another, and to direct responses from the web server to the browser.

Amended independent claim 1 recites “redirecting by that web server at least one browser request from that web server to another one of the web servers such that the browser requests the web page from the another one of the web servers.” Amended independent claim 15 recites “a web server capable of redirecting at least one browser request from the web server to another of

the web servers, such that the browser requests the web page from the another one of the web servers...” Amended claim 20 recites “redirecting a browser request from one web server to another web server, such that the browser request the web page from the another one of the web servers, thereby balancing the load metric on each web server.” This is described in Applicants’ specification on, for example, pages 10-11, and 26-27. “In one embodiment, the interceptor 120 is the point of first contact for a user. The interceptor 120 receives a web page request from a user and ‘refers’ the user’s web browser to an appropriate web server 102 for that request. The user’s web browser is referred by responding to the web page request with a referral to an appropriate web server 102. This referral capability can be accomplished with a capacity incorporated into the hypertext transfer protocol, but can also be accomplished in other ways.” (page 10, lines 26-28 and page 11, lines 1-3). “In one embodiment, if a web server 102 becomes overloaded, that web server 102, under the direction of the manager 110, can refer the user to another web server capable of delivering the application.” (page 11, lines 6-8). “Users can be redirected from a web server 102 either to the interceptor 120, which will in turn redirect to another web server 102, or users can be redirected directly to another web server 102.” (page 26, line 27 and page 27, lines 1-2).

Colby does not teach or suggest redirecting a web page request by a web server “such that the browser requests the web page from the another one of the web servers” as claimed by Applicants. In Colby, the flow switch (which is not a web server) directs communication flow. Colby’s web servers do not do any directing or redirecting of requests to “another one of the web servers.” Because, as claimed by Applicants, a web server directs the client’s browser to request a web page from “another one of the web servers,” the web servers themselves can initiate the

redirection. The redirection operation is therefore distributed among the web servers, and does not depend on a “flow switch.”

Thus, Applicants’ claimed method and system is fundamentally different from Colby. If the “flow switch” in Colby were to cease working, there could be no transfer of existing web page requests from one web server to another, because all traffic flows through the switch as indicated in Fig. 1C. In fact, there would be no interaction with the web servers at all, thus no new or existing web page requests could be filled, if the Colby “flow switch” were to become disabled. By contrast, Applicants’ web servers can continue to fulfill existing web page requests if the interceptor 120 (FIG. 1) becomes disabled because the servers are communicating directly with the users browser and not through the interceptor 120. Redirection of existing browser request to another web server is possible even if the interceptor 120 becomes disabled because, Applicants’ web servers are capable of redirecting browser requests to other web servers, as indicated above. Thus, the system and method claimed by Applicants is not taught or suggested by Colby.

Claims 2-14 and 16-19 depend from the amended independent claims, and thus these dependent claims also are patentable over Colby.

**CONCLUSION**

In view of the foregoing, applicants respectfully request reconsideration, withdrawal of the rejections, and allowance of all claims in due course. If the Examiner believes that a telephone conference with Applicants' attorney would be helpful, the Examiner is invited to contact the Applicants' attorney at the number below.

Respectfully submitted,



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